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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

**FREE NOW FOUNDATION, et al.,**

Plaintiffs,

v.

**ERICA PAN IN HER OFFICIAL  
CAPACITY AS DIRECTOR OF THE  
CALIFORNIA DEPARTMENT OF  
PUBLIC HEALTH,**

Defendant.

2:24-cv-03523-DJC-SCR

**[PROPOSED] ORDER RE: MOTION TO  
DISMISS PLAINTIFF'S SECOND  
AMENDED COMPLAINT**

Date: August 21, 2025  
Time: 1:30 p.m.  
Dept: 7  
Judge: The Hon. Daniel J. Calabretta  
Action Filed: December 16, 2024

1 [PROPOSED] ORDER

2 The Court, having read and considered the Motion to Dismiss Plaintiffs' Second Amended  
3 Complaint filed by Defendant Dr. Erica Pan, in her official capacity as the Director of the  
4 California Department of Public Health, the opposition filed by Plaintiffs, the other pleadings and  
5 documents on file in this case, and the arguments of the parties, orders the following:

6 **IT IS HEREBY ORDERED** that the Motion to Dismiss Plaintiffs' Second Amended  
7 Complaint is **GRANTED** and Plaintiffs' Second Amended Complaint is **DISMISSED** without  
8 leave to amend.

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10 Dated: \_\_\_\_\_

11 Hon. Daniel J. Calabretta, United States District Judge  
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## CERTIFICATE OF SERVICE

Case Name: **Free Now Foundation, et al. v. Pan** Case **2:24-cv-03523-DJC-SCR**  
No. \_\_\_\_\_

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I hereby certify that on July 16, 2025, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**[PROPOSED] ORDER RE MOTION TO DISMISS PLAINTIFFS' SECOND AMENDED COMPLAINT**

I certify that **all** participants in the case are registered CM/ECF users, and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct, and that this declaration was executed on July 16, 2025, at Los Angeles, California.

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Anthony Conklin  
Declarant

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*Anthony Conklin*  
Signature

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